

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kelly M. Haney
Debtor(s)

Bankruptcy Case No.: 17-20518-GLT
Issued Per 3/28/2019 Proceeding
Chapter: 13
Docket No.: 65 – 49, 54
Concil. Conf.: March 28, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 9, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,762.00 as of April, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 28, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 6 of Wells Fargo with payment changes implemented .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as claim amount, to be paid at the modified plan terms: going forward Claim No. 1 of Huntington Bank.

The Trustee's Certificate of Default to Dismiss [Dkt. No. 49] is dismissed as withdrawn.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: April 1, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kelly M. Haney
 Debtor

Case No. 17-20518-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 31

Date Rcvd: Apr 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 03, 2019.

db +Kelly M. Haney, 7 Barton Drive, Pittsburgh, PA 15221-2517
 sp +James C. Ward, Porta-Clark & Ward, LLC, 100 Fleet Street, Suite 101,
 Pittsburgh, PA 15220-2918
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14363504 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Childrens Place/Citicorp Credit Services,
 Attn: Citicorp Credit Services, Po Box 20507, Kansas City, MO 64195)
 14363503 +Chase Mortgage, 3415 Vision Dr, Columbus, OH 43219-6009
 14363505 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, Po Box 790040,
 Saint Louis, MO 63179-0040
 14363509 +Credit First National Assoc, Attn: BK Credit Operations, Po Box 81315,
 Cleveland, OH 44181-0315
 14363511 +Equiant Financial Svcs, Attn: Bankruptcy Dept, 5401 N Pima Rd, Scottsdale, AZ 85250-2627
 14363513 +Kay Jewelers/Sterling Jewelers Inc., Sterling Jewelers, Po Box 1799, Akron, OH 44309-1799
 14421207 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14363517 +Santander Consumer USA, Po Box 961245, Ft Worth, TX 76161-0244
 14363516 +Santander Consumer USA, Santander Consumer USA, Po Box 961245, Fort Worth, TX 76161-0244
 14363519 +Visa Dept Store National Bank, Attn: Bankruptcy, Po Box 8053, Mason, OH 45040-8053
 14363520 +Wells Fargo Home Projects Visa, Written Correspondence Resolutions,
 Mac#X2302-04c Po Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14363501 E-mail/Text: ally@ebn.phinsolutions.com Apr 02 2019 03:43:56 Ally Financial,
 Attn: Bankruptcy, Po Box 38090, Bloomington, MN 55438
 14643718 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 04:04:47
 Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC,
 PO Box 41021, Norfolk VA 23541-1021
 14363502 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 02 2019 03:48:43 Capital One,
 Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14363506 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 02 2019 03:44:23 Comenity Bank/Ann Taylor,
 Po Box 182125, Columbus, OH 43218-2125
 14363507 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 02 2019 03:44:23 Comenity Bank/Express,
 Po Box 18215, Columbus, OH 43218
 14363508 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 02 2019 03:44:24
 Comenity Bank/Victoria Secret, Po Box 18215, Columbus, OH 43218
 14363510 +E-mail/PDF: pa_dc_ed@navient.com Apr 02 2019 03:49:53 Dept Of Ed/Navient,
 Attn: Claims Dept, P.O. Box 9635, Wilkes Barr, PA 18773-9635
 14641824 +E-mail/Text: kburkley@bernsteinlaw.com Apr 02 2019 03:45:31 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14363512 +E-mail/Text: bankruptcy@huntington.com Apr 02 2019 03:44:48 Huntington Natl Bk,
 Bankruptcy Notifications, Po Box 340996, Columbus, OH 43234-0996
 14653874 E-mail/PDF: pa_dc_claims@navient.com Apr 02 2019 03:49:53
 Navient Solutions, LLC on behalf of, Department of Education Loan Services, PO BOX 9635,
 Wilkes-Barre, PA 18773-9635
 14363514 +Fax: 407-737-5634 Apr 02 2019 05:09:08 Ocwen Loan Servicing, Llc,
 Attn: Research/Bankruptcy, 1661 Worthington Rd Ste 100, West Palm Bch, FL 33409-6493
 14363515 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 03:48:46
 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541
 14656501 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 03:51:03
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14373391 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 03:49:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14363518 +E-mail/Text: jennifer.chacon@spservicing.com Apr 02 2019 03:45:43
 Select Portfolio Servicing, Inc, Po Box 65250, Salt Lake City, UT 84165-0250
 14380247 +E-mail/Text: bankruptcy@huntington.com Apr 02 2019 03:44:48 The Huntington National Bank,
 111 Cascade Plaza 3rd FL, Akron, OH 44308-1124
 14380250 +E-mail/Text: bankruptcy@huntington.com Apr 02 2019 03:44:48 The Huntington National Bank,
 P.O. Box 89424, Cleveland, OH 44101-6424

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
 cr Wells Fargo Bank, National Association, as Trustee
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14656275* Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 31

Date Rcvd: Apr 01, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 03, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 1, 2019 at the address(es) listed below:

Albert G. Reese, Jr. on behalf of Debtor Kelly M. Haney areese8897@aol.com,
agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
James Warmbrodt on behalf of Creditor Wells Fargo Bank, National Association, as Trustee for
Morgan Stanley ABS Capital I Inc. Trust 2005-HE5, Mortgage Pass-Through Certificates, Series
2005-HE5 bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Thomas I. Puleo on behalf of Creditor Wells Fargo Bank, National Association, as Trustee for
Morgan Stanley ABS Capital I Inc. Trust 2005-HE5, Mortgage Pass-Through Certificates, Series
2005-HE5 tpuleo@goldbecklaw.com, BKGroup@goldbecklaw.com

TOTAL: 7